

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_ X  
BED BATH & BEYOND INC.,

Plaintiff,

Index No.: 07 CIV 7925 (DLC)

-against-

AVIVA SPORTS, INC.,

**MOTION TO ADMIT  
COUNSEL PRO  
HAC VICE**

Defendant.

\_\_\_\_\_ X

PURSUANT TO RULE 1.3 (c) of the Local Rules of the United States District Courts for the Southern District of New York, I, Evan A. Richman, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

H. Morrison Kershner, Esq.  
Pemberton Sorlie Rufer & Kershner, PLLP  
110 North Mill Street  
Fergus Falls, MN 56537  
(t) 218-736-5493  
(f) 218-736-3950

H. Morrison Kershner, Esq. is a member in good standing of the Bar of the State of Minnesota and there are no pending disciplinary proceedings against H. Morrison Kershner, Esq. in any State or Federal court.

Dated: New York, New York  
November 28, 2007

WHITE FLEISCHNER & FINO, LLP

By:

*Evan A. Richman*

EVAN A. RICHMAN (EAR-7507)  
61 Broadway - 18th Floor  
New York, New York 10006  
Tel: (212) 487-9700  
Fax: (212) 487-9777  
Our File No.: 408-13041-D-EAR

NY 10/25-6 3/5/24  
Nov 28 2007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

—X—

BED BATH & BEYOND INC.,

Plaintiff,

Index No.: 07 CIV 7925 (DLC)

-against-

AVIVA SPORTS, INC.,

**AFFIDAVIT IN SUPPORT  
OF MOTION TO PRACTICE  
PRO HAC VICE**

Defendant.

—X—

State of New York )  
                      )  
                      ss:  
County of New York )

EVAN A. RICHMAN, being duly sworn, hereby deposes and says as follows:

1. I am a member of the law firm of White Fleischner & Fino, LLP counsel of record for Defendants AVIVA SPORTS, INC. I am familiar with the proceedings in this case.
2. I am a member in good standing of the bar of the State of New York and was admitted to practice law on February 10, 1999. I am also admitted in good standing before the United States District Court for the Southern District of New York.
3. I submit this Affidavit in support of the instant motion seeking the admission of H. Morrison Kershner, Esq. to practice *pro hac vice* in the above captioned matter.
4. Mr. Kershner is a member of the firm Pemberton Sorlie Rufer & Kershner in Fergus Falls, Minnesota. A Certificate of Good Standing from the Supreme Court of the State of Minnesota is annexed hereto as Exhibit "A".

5. I have found Mr. Kershner to be a skilled attorney and a person of integrity who is of the highest moral character. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. I respectfully submit a proposed order granting the admission of Mr. Kershner, pro hac vice, which is attached hereto as Exhibit "B".

WHEREFORE, it is respectfully requested that the motion to admit H. Morrison Kershner, pro hac vice, to represent Defendant Aviva Sports, Inc. in the above captioned matter be granted.

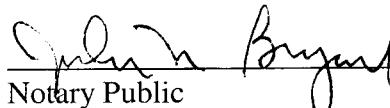
Dated: New York, New York  
November 28, 2007

WHITE FLEISCHNER & FINO, LLP

By:

*Evan A. Richman*  
EVAN A. RICHMAN (EAR-7507)  
61 Broadway - 18th Floor  
New York, New York 10006  
(212) 487-9700  
Our File No.: 408-13041-D-EAR

Sworn to before me this  
28<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
Notary Public

JULIA N. BRYANT  
Notary Public, State of New York  
No. 01BR5077402  
Qualified in King County  
Commission Expires May 5, 2011

**STATE OF MINNESOTA  
IN SUPREME COURT**

*Certificate of Good Standing*

This is to certify that the following lawyer is in good standing.

H M KERSHNER

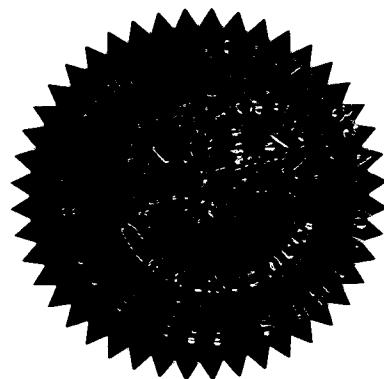
was duly admitted to practice as an lawyer and counselor at law in all the courts of this state on

October 01, 1976

Given under my hand and seal of this court on

November 01, 2007

*Frederick K. Grittner*  
Frederick K. Grittner  
Clerk of Appellate Courts



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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X

BED BATH & BEYOND INC.,

Plaintiff,

Index No.: 07 CIV 7925 (DLC)

-against-

AVIVA SPORTS, INC.,

**ORDER FOR ADMISSION  
PRO HAC VICE ON  
WRITTEN MOTION**

Defendant.

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X

Upon the motion of Evan A. Richman, attorney for Defendant AVIVA SPORTS, INC., and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that:

H. Morrison Kershner, Esq.  
Pemberton Sorlie Rufer & Kershner, PLLP  
110 North Mill Street  
Fergus Falls, MN 56537  
(t) 218-736-5493  
(f) 218-736-3950  
M.Kershner@pemlaw.com

is admitted to practice pro hac vice as counsel for Defendant AVIVA SPORTS, INC. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated:

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United States District Judge

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss:

***Julia N. Bryant***, being duly sworn, deposes and says:

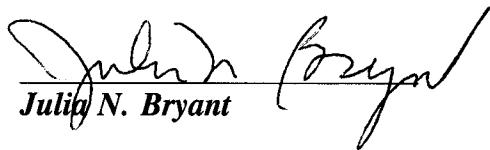
That I am not a party to the within action, am over 18 years of age and reside in *Brooklyn, New York*.

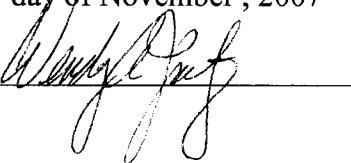
That on November 28, 2007 deponent served the within **Motion to Admit Counsel Pro Hac Vice** upon the attorneys and parties listed below by United States prepaid mail by placing same in a mailbox in the State of New York:

TO:

Dennis M. Rothman, Esq.  
LESTER SCHWAB KATZ &  
DWYER, LLP  
120 Broadway  
New York, New York 10271  
(212) 964-6611  
(212) 267-5916 (Fax)

Sworn to before me this  
28<sup>th</sup> day of November, 2007

  
*Julia N. Bryant*

  
\_\_\_\_\_  
WENDY A. JANTZ  
Notary Public, State of New York  
No. C1000000012  
Qualified in Richmond County  
Commission Expires January 28, 2011